

### III. REMARKS

Claims 1-13 and 15-20 are pending in this application. By this Amendment, claims 1-2, 9-10, 15 and 17 have been amended; and claim 14 has been cancelled. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the above amendments and following remarks is respectfully requested.

In the Office Action, claims 1-20 are rejected under 35 U.S.C. §103(a) over Henson, U.S. Patent No. 6,167,383, in view of Salvo *et al.*, U.S. Patent No. 6,341,271. These rejections are respectfully traversed, for the reasons that follow:

#### 1. There is no motivation or suggestion to combine Henson and Salvo *et al.*

Applicants submit that there is no motivation or suggestion to to combine Henson and Salvo *et al.* Despite the Office's conclusion to the contrary, the Henson system does not disclose or suggest, *inter alia*, "determining component information including component availability" at the manufacturer or anywhere else. All that is disclosed is that selection of certain options may result in a delay warning. (Note Col. 6, lines 48-51; Col. 7, line 64 – Col. 8, line 9). Absolutely, no basis is provided that component availability is considered in establishing the delay warning, i.e., it could just be assembly time that is considered. In Henson, the only determination or "query" completed is the validation, "which checks the particular configuration built by the customer and indicates whether or not the selected options can be built together [i.e., compatible]

for the particular configuration.” (Note Col. 7, Line 67 – Col. 8, Line 3). In view of this shortcoming, it is incomprehensible why Henson would be motivated to use the teachings of Salvo *et al.*, because Henson is not concerned with component availability. Simply because Henson and Salvo *et al.* would work together does not mean a person having ordinary skill in the art would be motivated to combine them together. The fact that Salvo *et al.* disclose review of component availability is irrelevant, where, as here, only the hindsight teachings of the present invention provide a suggestion to combine. Applicants submit that the Office has failed to show a suggestion or motivation to combine, either in Henson or Salvo *et al.* or in the knowledge generally available to one of ordinary skill in the art. Accordingly, Applicants request withdrawal of the rejection.

**2. Henson and Salvo *et al.*, even in combination, do not disclose or suggest each and every claimed feature of the current invention.**

With regard to claims 1, 9 and 17, the combination fails to disclose or suggest, *inter alia*, “offering the customer at least one order option in real time based on a result of the determination[,]” as recited in, for example, claim 1 of the present invention. In Henson, Applicants submit, an “option” is a particular optional component that a consumer can choose, which is comparative to the word “component” used in the description of the current invention. (“[A] customer of the online store 10 can build a customer configured machine by selecting from options listed on the configuration screen 70.” Note Col. 6, lines 19-21; *See also* Note Col. 8, lines 34-37). Read in this light, the Henson system gives on-line consumers an option/ component compatibility warning, which is not achieved based on component availability. In addition, it is the consumer who, upon receiving the warning, selects other components, while the

system, itself, does not offer any option to the components selected by the consumer, i.e., nothing is offered by the system in term of options, as required by the claimed invention. (See generally Note Col. 8, Lines 7-55; "Customers of the on-line store application thus receive advance warning when an option will not work for a given configuration. The customer can then modify, change and/ or delete the particular option which rise to the validation warning." Note Col. 8, Lines 51-55). *Salvo et al.* does not overcome this deficiency of Henson. In view of the foregoing, Applicants submit the combination fails, at least, to provide offering the customer at least one order option based on a component availability determination.

In addition, while Henson provides a shipment delay indication that represents lead time warnings or shipment delays based on the customer selected options (components), Henson provides no disclosure of the freshness of the data that is relied on to create the shipment delay indication. As noted above, there is simply no disclosure in Henson that logically leads one to conclude that the system queries for component availability at all, never mind in real time. In contrast, the claimed invention provides optimization based on real-time information. *Salvo et al.* do not address this deficiency of Henson.

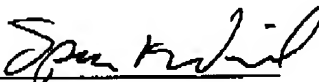
With regard to claim 9, Henson and *Salvo et al.*, either separately or in combination, do not disclose or suggest, *inter alia*, "program code configured to determine an available manufacturing site based on at least one site factor." Contrary to the Office's assertion, Applicants discern no disclosure or suggestion of determining a manufacturing site based on the manufacturing site capacity in Henson. Clarification as to where Henson may have disclosed or suggested this feature is requested. *Salvo et al.* do not overcome this deficiency of Henson.

In view of the foregoing, Applicants submit that the claimed invention is patentable and respectfully request withdrawal of the rejections.

Claims 2-8 are dependent upon claim 1, claim 10-16 are dependent upon claim 9, and claims 18-20 are dependent upon claim 17. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, he is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

  
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